

FILED
Clerk
District Court

DEC 16 2005

For The Northern Mariana Islands
By _____
(Deputy Clerk)

1 TIMOTHY H. BELLAS
Attorney At Law
2 Bank of Hawaii Bldg. Suite 203
P.O. Box 502845
3 Saipan, MP 96950
4 Tel. (670) 323-2115; Fax 323-2116

5
6 IN THE UNITED STATES DISTRICT COURT
DISTRICT OF THE NORTHERN MARIANA ISLANDS
7

8 ROBERT D. BRADSHAW,

Case No. 05-0027

9 Plaintiff,

10 vs.

**EX PARTE MOTION EXTENDING TIME
UNDER LOCAL RULE 7.1.h.3(b) AND
FED. R. CIV. P. 6 (b); APPLICATION FOR
INCREASE OF TIME UNDER LOCAL
RULE 7.1.h.2**

11 COMMONWEALTH OF THE NORTHERN
MARIANA ISLANDS, NICOLE C. FORELLI,
12 WILLIAM C. BUSH, D. DOUGLAS COTTON,
L. DAVID SOSEBEE, ANDREW CLAYTON,
13 UNKNOWN AND UNNAMED PERSONS IN
THE CNMI OFFICE OF THE ATTORNEY
14 GENERAL, TIMOTHY H. BELLAS, PAMELA
BROWN, ROBERT BISOM, AND JAY H.
15 SORENSEN,

16 Defendants.
17
18
19
20
21

CERTIFICATE PURSUANT TO LOCAL RULE 7.1.h.3(b)

As undersigned *pro se* Defendant, Timothy H. Bellas certifies as follows:

- a. The address and phone number of Plaintiff Bradshaw, who is without counsel, as listed

1 on his Amended Complaint is:

2 P.O. Box 473
3 1530 Trout Creek Road
4 Calder, Idaho 83808
5 Telephone: 208-245-1691

6 Defendant Timothy H. Bellas is not yet represented by counsel.

7 Defendant Timothy H. Bellas's address and relevant numbers are:

8 Timothy H. Bellas
9 Attorney At Law
10 Bank of Hawaii Bldg. Suite 203
11 P.O. Box 502845
12 Saipan, MP 96950

13 Tel. (670) 323-2115; Fax 323-2116

14 **FACTS SHOWING EXISTENCE AND NATURE OF THE CLAIMED EMERGENCY**
15 **OR REASON FOR EX PARTE APPLICATION**

16 Defendant, Timothy H. Bellas requests that this Court extend and enlarge his time to respond
17 to Plaintiff's Amended Complaint. Specifically, Defendant seeks an enlargement up to and including
18 January 31, 2006 to file a dispositive motion or responsive pleading to the Plaintiff's Complaint.

19 Defendant, has requested representation by the CNMI Government pursuant to the Public
20 Employee Legal Defense and Indemnification Act (7 CMC §2304), however, due to certain conflicts
21 which arise based on representation of a Justice *Pro Tem* by the Office of the CNMI Attorney General,
22 local counsel has not yet been retained. In addition, this Defendant has been served improperly.
Therefore, Defendant reserves all defenses which he might address in a dispositive motion under Fed.
R. Civ. P. 12(b).

Plaintiff Bradshaw's complaint is eighty-one pages long and contains numerous causes of

1 action under an exhaustive list of federal civil and criminal statutes, including, among others, the
2 Racketeer Influence Corrupt Organizations Act, the Immigration Reform and Control Act and
3 numerous Federal Civil Rights causes of action. Adequately responding to all of Plaintiff Bradshaw's
4 allegations will require a large expenditure of resources and time. Accordingly, Defendant needs
5 additional time to retain local counsel who can properly address Plaintiff's allegations and file a
6 responsive pleading or dispositive motion.

7 Currently, the deadline for Defendant to respond individually is December 22, 2005.
8 Considering the time it will take to find local counsel to hire and the time it will take to adequately
9 respond to the Amended Complaint and further considering that this Defendant has previously filed his
10 off island Notice with this Court, indicating that he will be absent from December 19th, 2005 until
11 January 23rd, 2006. Therefore, under all of these circumstances, Defendant believes an extension of
12 time to respond until January 31, 2006 is justified.

13
14 **PLAINTIFF BRADSHAW WAS NOTIFIED, BUT HAS YET TO BE SERVED WITH
15 THIS MOTION**

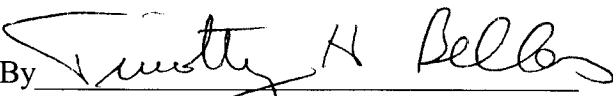
16 On December 6, 2005, Supreme Court Law Clerk Deborah Fisher contacted Plaintiff Bradshaw
17 by telephone to obtain a fax number where I could make a request for an extension of time. At
18 10:45am, Ms. Fisher spoke with Mr. Bradshaw, who informed her that he did not have access to a fax
19 machine. Mr. Bradshaw did agree orally to extend my time to January 31, 2006. Because Mr.
20 Bradshaw resides in Idaho, and considering the time it takes for regular mail to travel to Idaho, it will
21 be difficult to obtain a stipulation memorializing this agreement in a timely manner. Therefore, I have
22 submitted this application so that I am within the federally required due date for papers.

APPLICATIONS TO INCREASE TIME PURSUANT TO LOCAL RULE 7.1.h.2

Based upon the facts set forth herein, Defendant makes this application to increase his time to respond and states: a) no other extensions of time have been sought in this matter by Defendant (the Attorney General has sought and been granted an extension previously, however those Defendants had deadlines ranging from Nov. 22, 2005 through December 7, 2005 unlike Defendant herein whose first deadline is December 21, 2005); b) the reasons for this extension are set forth herein, and c) granting this extension would not affect any scheduled dates of which Defendant is aware.

WHEREFORE, based upon the foregoing, Defendant respectfully requests that this Court grant Defendant's Ex Parte Motion Extending Time and enter an Order extending Defendant's deadline for filing a dispositive motion or responsive pleading to the Plaintiff's Complaint until January 31, 2006.

Respectfully submitted,

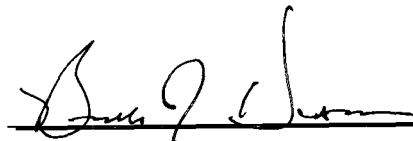
By 
Timothy H. Bellas, *Pro Se*, F-0135

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was served, via U.S. Mail, on
the 16 day of December, 2005, upon the following:

Robert D. Bradshaw
Plaintiff, Pro Se
P.O. Box 473
1530 W. Trout Creek Road
Calder, ID 83808

James D. Livingstone
Assistant Attorney General
Office of the Attorney General
2nd Floor, Juan A Sablan Memorial Bldg.
Caller Box 10007
Saipan, MP 96950
670-664-2341


BRADOCK J LERMAN

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF THE NORTHERN MARIANA ISLANDS

ROBERT D. BRADSHAW,

Plaintiff,

vs.

COMMONWEALTH OF THE NORTHERN
MARIANA ISLANDS, NICOLE C. FORELLI,
WILLIAM C. BUSH, D. DOUGLAS COTTON,
L. DAVID SOSEBEE, ANDREW CLAYTON,
UNKNOWN AND UNNAMED PERSONS IN
THE CNMI OFFICE OF THE ATTORNEY
GENERAL, TIMOTHY H. BELLAS, PAMELA
BROWN, ROBERT BISOM, AND JAY H.
SORENSEN,

Defendants.

Case No. 05-0027


**DECLARATION OF TIMOTHY H. BELLAS
IN SUPPORT OF EX PARTE MOTION
EXTENDING TIME**

I, Timothy H. Bellas, declare as follows:

1. I am an individual currently residing on the Island of Saipan an named defendant in the above entitled case.
2. At all relevant times mentioned in the Plaintiff's Complaint, up to and including the present time, I was and am employed as a Justice *Pro Tem* by the Commonwealth of the Northern Mariana Islands ("CNMI") Supreme Court.

- 1 3. I make this *ex parte* request without waiving my affirmative defense of lack of personal
- 2 jurisdiction due to improper service in the above-entitled action.
- 3 4. I have requested representation by the CNMI Government pursuant to the Public
- 4 Employee Legal Defense and Indemnification Act (7 CMC §2304), however, local
- 5 counsel has not yet been retained.
- 6 5. Because of the voluminous nature of Plaintiff Bradshaw's complaint and the sporadic
- 7 means of service undertaken, I require additional time to file a dispositive motion or
- 8 responsive pleading to Plaintiff's Complaint.
- 9 6. Because of pending Supreme Court cases by the CNMI, potential conflicts of interest
- 10 arise. Therefore, the CNMI Attorney General (AG) will be unable to represent me and
- 11 the other justices. Thus, local counsel must be retained to represent us.
- 12 7. At present, no other extensions of time have been requested and no other deadlines
- 13 were previously set, except for the deadline of December 23, 2005 for Defendants
- 14 represented by the AG, who received the Amended Complaint far earlier than I.
- 15 8. Granting this extension request will not have any discernable effect on this proceeding.
- 16 9. On December 6, 2005 at 10:45am, Supreme Court Law Clerk, Deborah E. Fisher
- 17 attempted to contact Plaintiff Bradshaw telephonically to obtain his fax number, if one
- 18 exists, or request his assent to extend Defendant's deadline to respond to Plaintiff's
- 19 complaint until January 31, 2006. Plaintiff Bradshaw represented that he does not have
- 20 access to a fax machine, but he did consent to the extension of time until January 31,
- 21 2006 orally. (See the Attached Declaration of Ms. Fisher.)
- 22 10. I declare under penalty of perjury that the foregoing is true and correct to the best of my

1 knowledge and belief and that this Declaration was executed on Saipan, CNMI this 15
2 day of December, 2005.

3
4 
5 Timothy H. Bellas, Declarant
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF THE NORTHERN MARIANA ISLANDS

ROBERT D. BRADSHAW,

Case No. 05-0027

Plaintiff,

vs.

**DECLARATION OF DEBORAH E. FISHER
IN SUPPORT OF EX PARTE MOTION
EXTENDING TIME**

COMMONWEALTH OF THE NORTHERN
MARIANA ISLANDS, NICOLE C. FORELLI,
WILLIAM C. BUSH, D. DOUGLAS COTTON,
L. DAVID SOSEBEE, ANDREW CLAYTON,
UNKNOWN AND UNNAMED PERSONS IN
THE CNMI OFFICE OF THE ATTORNEY
GENERAL, TIMOTHY H. BELLAS, PAMELA
BROWN, ROBERT BISOM, AND JAY H.
SORENSEN,


Defendants.

I, Deborah E. Fisher, under penalty of perjury, declare as follows:

1. I am an individual currently residing on the Island of Saipan and employed as a Law Clerk of the Supreme Court of the Commonwealth of the Northern Mariana Islands.
2. On December 6, 2005 at 10:45am, I attempted to contact Plaintiff Bradshaw telephonically to obtain his fax number, if one exists, or request his assent to extend Defendant's deadline to respond to Plaintiff's complaint until January 31, 2006. I spoke to Plaintiff Bradshaw who represented that he does not have access to a fax machine, but he did consent to the extension of time to January 31, 2006 orally.

1 3. I declare under penalty of perjury that the foregoing is true and correct to the best of my
2 knowledge and belief and that this Declaration was executed on Saipan, CNMI this 15th day
3 of December, 2005.

4 4. .

5
6 
7 Deborah E. Fisher, Declarant